

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

DAVID E. SCHLONS, Register No. 1005180,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4256-CV-C-SOW
)	
OLAN SALZER, et al.,)	
)	
Defendants.)	

ORDER

On June 19, 2008, United States Magistrate Judge William A. Knox recommended that plaintiff's claims under the Federal Tort Claims Act be dismissed for failure to state a claim; that plaintiff's newly asserted due process claims be dismissed for failure to state a claim; that plaintiff's state law tort claims, if pled, be dismissed for failure to state a claim; and that defendants' motions to dismiss plaintiff's claims against defendant Dormire and to dismiss plaintiff's First Amendment claims be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on July 11 and 23, 2008. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of June 19, 2008, is adopted. [20] It is further

ORDERED that plaintiff's claims under the Federal Tort Claims Act are dismissed for failure to state a claim. It is further

ORDERED that plaintiff's newly asserted due process claims are dismissed for failure to state a claim. It is further

ORDERED that plaintiff's state law tort claims, if pled, are dismissed for failure to state a claim. It is further

ORDERED that defendants' motions to dismiss plaintiff's claims against defendant Dormire and to dismiss plaintiff's First Amendment claims are denied. [14, 16]

/s/

SCOTT O. WRIGHT
Senior United States District Judge

Dated: August 5, 2008
Kansas City, Missouri